

AMENDED IN ASSEMBLY AUGUST 5, 2013

AMENDED IN ASSEMBLY JUNE 18, 2013

AMENDED IN SENATE MAY 28, 2013

SENATE BILL

No. 283

Introduced by Senator Hancock

February 14, 2013

An act to amend Section 18901.3 of the Welfare and Institutions Code, relating to social services.

LEGISLATIVE COUNSEL'S DIGEST

SB 283, as amended, Hancock. CalFresh eligibility.

Existing federal law provides for the federal Supplemental Nutrition Assistance Program (SNAP), known in California as CalFresh, formerly the Food Stamp Program, under which supplemental nutrition assistance benefits allocated to the state by the federal government are distributed to eligible individuals by each county. Under existing law, a person convicted of specified drug offenses, including transporting, selling, furnishing, administering, giving away, possessing for sale, purchasing for purpose of sale, or manufacturing a controlled substance, is ineligible to receive CalFresh benefits. Existing law authorizes the payment of CalFresh benefits to other convicted drug felons who have participated in, or are on the waiting list for, a drug treatment program, or who can show other evidence that the illegal use of controlled substances has ceased.

This bill would authorize CalFresh benefits to be paid to an individual who is convicted in state or federal court after December 31, 1997, of any offense classified as a felony that has as an element the possession, use, or distribution of a controlled substance, as defined. If the person

is on supervised release, he or she would be ineligible for CalFresh benefits during any period of revocation of that supervised release where the revocation results in the individual's incarceration. The bill would authorize implementation *and administration* of these provisions by all-county letters or similar instructions ~~until January 1, 2015, from the Director of Social Services, developed in consultation with specified entities~~, and would, thereafter, require the State Department of Social Services to adopt regulations ~~in consultation with specified entities~~ by *January 1, 2015*.

Because counties administer CalFresh, this bill would increase county duties by potentially expanding the eligible population, and would thereby impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 18901.3 of the Welfare and Institutions
2 Code is amended to read:
3 18901.3. (a) Subject to the limitations of subdivision (b),
4 pursuant to Section 115(d)(1)(A) of Public Law 104-193 (21 U.S.C.
5 Sec. 862a(d)(1)(A)), California opts out of the provisions of Section
6 115(a)(2) of Public Law 104-193 (21 U.S.C. Sec. 862a(a)(2)). An
7 individual convicted in state or federal court after December 31,
8 1997, including any plea of guilty or nolo contendere, of any
9 offense classified as a felony that has as an element the possession,
10 use, or distribution of a controlled substance, as defined in Section
11 102(6) of the federal Controlled Substances Act (21 U.S.C. Sec.
12 802(6)) or Division 10 (commencing with Section 11000) of the
13 Health and Safety Code, shall be eligible to receive CalFresh
14 benefits under this section.
15 (b) As a condition of eligibility to receive CalFresh benefits
16 pursuant to subdivision (a), an applicant described in subdivision

(a) who is on probation, parole, or any other form of supervised release shall comply with the terms of the supervised release, including participation in a *government-recognized* drug treatment program, if required. If the county social services agency receives verification that the individual's supervised release has been revoked, resulting in the individual's incarceration, the individual shall become ineligible for CalFresh benefits under this section for the duration of the revocation period.

(c) Notwithstanding the rulemaking provisions of the Administrative Procedure Act (Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code), ~~valid until January 1, 2015, the department may implement and administer this section by through all-county letters or similar instructions; instructions from the director until regulations are developed. The all-county letters or similar instructions shall be developed in consultation with the Chief Probation Officers of California, the County Welfare Directors Association, and client advocates.~~ Thereafter, the department shall adopt ~~regulations, in consultation with the Chief Probation Officers of California, the County Welfare Directors Association, and client advocates;~~ regulations to implement this section by January 1, 2015.

SEC. 2. If the Commission on State Mandates determines that this act contains costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code.